

First District Court
Santa Fe County
State of New Mexico

FILED
FIRST JUDICIAL
DISTRICT COURT
2021 JUL 28 PM 1:51

280

Jolene Peña
Petitioner,

v.

County of Santa Fe Derrick Williams
Respondent Michael Oliver **BRYAN BIEDSCHEID**

No. D101C0202101679

PETITION FOR WRIT OF CERTIORARI

Comes now the Petitioner and states as follows:

1. On 7/28 Petitioner filed a appeal
in the District Court of the State of New Mexico.

2. On _____, 20____, that court entered a judgment as follows:

_____.

3. A copy of the judgment is attached to this petition as exhibit 1.

4. The decision of the Human Rights Bureau is unlawful,

erroneous and unjust in

that: my file was not accessible
and I was not given an opportunity
to try my case. - See attached

EXHIBIT

A

5. It was not within the power of the petitioner to take an appeal from that judgment within the time prescribed by law because:

_____.

WHEREFORE, Petitioner prays this Court to issue its Writ of Certiorari to review the lawfulness of this decision.

JoAnne Peña

Petitioner, pro se

2859 Calle de Molina
Santa Fe, NM
87507

State of New Mexico)
County of _____)

Petitioner, JoAnne Peña, being duly sworn, states that he has read the foregoing Petition, knows and understands the contents thereof, and swears the same are true.

JoAnne Peña
Petitioner, pro se

Subscribed and sworn to before me this 28 day of July 2021

Courtnie S. Garte
Notary Public

~~My Commission Expires:~~ _____

PURSUANT TO
§ 14-14-3 NMSA 1978
By Deputy Court Clerk



7/19/2021

I Jo Anne Pena, Plaintiff allege that the following of my constitutional rights, privileges or immunities have been violated and, that the following facts form the basis for my allegations. I have been discriminated against on the basis of Title VII-Age, Retaliation, HRA – Age, Retaliation by the County of Santa Fe; Derrick Williams; Michael Oliver. The Human Rights Bureau found probable cause, and a hearing was set after a failed mediation attempt.

The County of Santa Fe ADF witnesses presented contradictions during the May 10th, 2021 hearing. Files were not readily available to the parties, and the Judge did not have access to the case file. As of May 6th, two weeks prior to this hearing, CaseLines was still inaccessible. As of the May 20th, 2021 post hearing brief deadline, the CaseLines system was still not accessible including the administrator's inability to provide a transcript of the May 10th, 2021 hearing leaving inherent vulnerabilities to case presentation. Plaintiff feels the case was not fairly heard as pertinent case information was not accessible to all parties, and decisions were based on minimal information. I hereby request an appeal to reopen my case.



**BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF NEW MEXICO**

**JO ANNE PENA,
Claimant,**

v.

HRB No. 19-04-15-0126

**COUNTY OF SANTA FE; DERRICK WILLIAMS;
MICHAEL OLIVER
Respondents.**

FINAL DECISION AND ORDER

THIS MATTER came before a review panel of the New Mexico Human Rights Commission (the Commission) on June 28, 2021, for purposes of a final determination on the claims brought by Claimant Jo Anne Pena against Respondents County of Santa Fe, Derrick Williams, and Michael Oliver, under the New Mexico Human Rights Act. The panel, convened via a virtual platform, consisted of Presiding Commissioner Christopher Bauman, Commissioner Mary Lindenmeyer, and Commissioner Jackie Kohlsach.

FINDINGS OF FACT

The Commission adopts the Hearing Officer's Proposed Findings of Fact as set forth in the Hearing Officer Report and Recommendation, attached hereto.

CONCLUSIONS OF LAW

The Commission adopts the Hearing Officer's Proposed Conclusions of Law as set forth in the Hearing Officer Report and Recommendation, attached hereto.

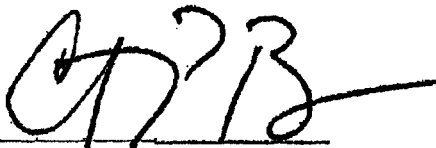
ORDER

The Commission determines that Claimant failed to show by a preponderance of the

evidence that Respondents unlawfully discriminated against her on the basis of her age, or that she was retaliated against in violation of the New Mexico Human Rights Act. The Commission therefore **DISMISSES** this action **WITH PREJUDICE**, awarding no damages to either party.

IT IS SO ORDERED.

Dated: 7/7/21



Christopher Bauman, Presiding Chair
New Mexico Human Rights Commission

NOTICE OF RIGHT TO APPEAL: Under NMSA 1978, Section 28-1-13(A) (2005), a person aggrieved by an order of the Commission may obtain a trial *de novo* in the district court of the County where the discriminatory practice occurred or where Respondent does business by filing a notice of appeal within ninety (90) days from the date of service of the Commission's order.

Jo Anne Pena

Name

2859 Calle de Molina
Santa Fe, NM 87507

Address

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Jo Anne Pena

(Full Name)

, Plaintiff

CASE NO. HRB No. 19-04-15-0126

(To be supplied by the Clerk)

v.

County of Santa Fe, Derrick Williams, Defendant(s)
Michael OliverCIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

- 1) Jo Anne Pena, is a citizen of New Mexico
(Plaintiff) (State)
who presently resides at 2859 Calle de Molina
Santa Fe, NM 87507
(Mailing address or place of confinement)
- 2) Defendant County of Santa Fe is a citizen of
(Name of first defendant)
Santa Fe, New Mexico, and is employed as
(City, State)
_____. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☐ No ☐ If your answer is "Yes", briefly explain:

- 3) Defendant Derrick Williams & Michael Oliver is a citizen of
(Name of second defendant)
Rio Rancho, New Mexico, and is employed as
(City, State)
Warden. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
See Attached Document

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

See B. Nature of The Case

attached

Jo Anne Pena HRB No.19-04-15-0126

B. Nature of The Case

I reported abuse and inhumane treatment of inmates. I trained volunteers to report suspicious activity. Because I reported suspicious activity, behavior changed towards me. I was called a bitch, or "don't be a Bitch, by my Manager. I was reprimanded for recording my coworkers because I felt desperate for help. I was suspended for recording, based on a falsely manufactured violation of a non-existent statute by SFCADF Leadership.

Consequently, I was overlooked and the job description was modified to accommodate a preselected younger candidate. Although, the candidate was not selected, a non-degreed individual leads that department today.

My aspiration was to create programs to reduce recidivism; in my professional development with SFCADF I was excelling, and I was acknowledged by the SFC Commission. However, abuse and bad treatment of employees and inmates continued, it was systemic in nature, and the violations of inmate treatment continued unfeathered by leadership. Based on a continued retaliatory pattern, I resigned in fear of unrelenting retaliation.

I resigned because of years of repeated conduct. I was bullied and harassed, my work environment had unreasonable discipline procedures that were not covered in the SFCADF Code of Ethics handbook, which caused me to think, if I stayed employed with this organization, my Weingarten rights would be denied for the third time. I was ostracized within the facility, and Leadership took an active role to undermine my professional creditability with outside agencies. My physical and mental health was in jeopardy. I was stressed out, I was on FMLA, and the treatment of inmates was hardened as complaints mounted.

The Plaintiff feels that she was discriminated against in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation, and the New Mexico Human Rights Act (NMHRA), N.M. State. Ann §§ 28-1-1 to 14, (2207).

Additionally, leaderships ineffective application of Weingarten rights and undermining the Plaintiff's credibility with professional contacts within the community, again, clearly demonstrates malice with intent in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation and requires the defendant establish burden of proof.

COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's pattern of targeted actions was designed to mask internal discrimination toward the Plaintiff in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation, evident as a leading motivating factor in the defendant's job description edits leading to the Plaintiff's timely disqualification and the final selection of a non-qualified candidate. By failing to produce evidence that the Plaintiff was rejected or someone else was preferred for a legitimate, non-discriminatory reason.

The Plaintiff's observation and experience that COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's actions are motivated by the proffer reason setting forth admissible evidence to demonstrate pretext for targeted discrimination.

Jo Anne Pena HRB No.19-04-15-0126

The County of Santa Fe Adult Detention Facility witnesses presented contradictions during the May 10th, 2021 hearing. Files are not readily available to the parties and the Judge did not have access to the case file. As of May 6th, two weeks prior to this hearing, CaseLines was inaccessible. As of the May 20th, 2021 post hearing brief deadline, the CaseLines system is still not accessible including the administrator's inability to provide a transcript of the May 10th, 2021 hearing leaving inherent vulnerabilities to case presentation and the writing of this post hearing brief.

Again, this already following the Plaintiff's discrimination complaint, submitted documentation and purpose for this hearing.

For example, during the May 10th, 2021 hearing, according to County of Santa Fe Attorney, the Program Manager position was filled shortly after Plaintiff's formal written complaint was submitted in July of 2018 however according to the edited job descriptions provided by the defendants, the "final Job Description" was released on 12/13/2018 and posted to the County of Santa Fe website with the Program Manager Job filled in 2019. Additionally, when the Plaintiff inquired about the age of the current Program Manager hearing, the County of Santa Fe attorneys replied that the current Program Manager age was 50 in 2018, however according to the testimony of Sonya Quintana, Human Resource Director, the current Program Managers age was 46 in 2018 once again demonstrating COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's continued denial of pretext manipulation post violation of Title VII-Age, Retaliation, HRA – Age, Retaliation.

The County of Santa Fe exhibits display edits that demonstrate contradictions to COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's pretext of events leading to the Plaintiff's resignation and filing of this formal complaint in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: Title VII of the Civil Rights Act of Title VII - Age

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

See Count I Attached

* Supporting Documents catalog attached
Documents of Proof - were not submitted
or allowed

B)(1) Count II: Retaliation, HRA - Age, Retaliation

(2) Supporting Facts: See attached Count II

* Supporting Documents - catalog attached
Documents of Proof - were not submitted
or allowed.
only a few documents were allowed
XE-2 2/78 - see post hearing Brief

Jo Anne Pena HRB No.19-04-15-0126

Count 1: Age Discrimination

The Plaintiff was qualified for the position of Program Manager based on the 09.06.07 job description with an MBA in Business and Health Administration including 2 and ½ years of proven program development with the County of Santa Fe (COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN) Adult Detention Facility, including positive reinforcement recognition from COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN commissioners.

The COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN failed to sufficiently present non-discriminatory reasons for its conflicting job postings edits to the Program Manager's job description, specifically, Plaintiff expressing interest in the Program Manager position on July 19th, 2018 to the highest level of leadership. The Plaintiff was not provided a reasonable opportunity to pursue deeper questioning in understanding the defendant's motive and intention regarding edits to the Program Manager Job description as outlined in the attached **Post Hearing Brief**. In addition, COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's manufacturing a violation of a non-existent statute and their failure to explain job description degree and years of experience edits that took a targeted action to disqualify the Plaintiff.

The Plaintiff's disqualification and subsequent resignation followed COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's 11th hour edits to the Program Managers job description posted with revision date 7/20/18- see Exhibit B. The manifestation of various back dated and heavily edited job descriptions, presented in the in the May 10th hearing, is again a clear indication of COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's continued malice, hostility, and intent to discriminate that follows a pattern of targeted discipline procedures toward the Plaintiff, including "so called" policy infractions not covered in the COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN ADF Code of Ethics handbook.

Additionally, leaderships ineffective application of Weingarten rights and undermining the Plaintiff's credibility with professional contacts within the community, again, clearly demonstrates malice with intent in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation and requires the defendant establish burden of proof.

COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's pattern of targeted actions was designed to mask internal discrimination toward the Plaintiff in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation, evident as a leading motivating factor in the defendant's job description edits leading to the Plaintiff's timely disqualification and the final selection of a non-qualified candidate. Therefore, the Burden of Proof shifts to the defendant to rebut the presumption of discrimination in violation of Title VII-Age, Retaliation, HRA – Age, Retaliation by failing to produce evidence that the Plaintiff was rejected or someone else was preferred for a legitimate, non-discriminatory reason.

Jo Anne Pena HRB No.19-04-15-0126

It is the Plaintiff's observation and experience that COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's actions are motivated by the proffer reason setting forth admissible evidence to demonstrate pretext for targeted discrimination.

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Jo Anne Pena HRB No.19-04-15-0126

Count 2: Retaliation

COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN's pattern of targeted actions was designed to mask internal discrimination toward the Plaintiff in violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation*, evident as a leading motivating factor in the defendant's job description edits leading to the Plaintiff's timely disqualification and the final selection of a non-qualified candidate. COUNTY OF SANTA FE, DERRICK WILLIAMS - WARDEN, MICHAEL OLIVER - DEPUTY WARDEN failed to produce evidence that the Plaintiff was rejected or someone else was preferred for a legitimate, non-discriminatory reason.

As the Plaintiff filed several complaints regarding abuse and testified, the hostility continued, the Deputy Warden would question whether union representation was an option for Plaintiff. Plaintiff was told she did not have union representation; she was threatened with incarceration, as contraband was in question for a recorder that was used to record Plaintiff's coworkers. Plaintiff was recording in hopes of obtaining proof of harassment. Plaintiff was questioned by the Warden; Derrick Williams regarding the job description and questioned why she thought it was geared towards candidate Priscilla Torres, he implied defamation of character and suggested Plaintiff was spreading rumors of inappropriate relationship between him and the candidate Priscilla Torres. During this recorded meeting, Plaintiff asked for representation on two occasions, as the warden continued with questioning. Shortly, thereafter the Deputy Warden, Michael Oliver asked the Plaintiff to bring in an article (contraband) that was not approved. Knowingly, that Plaintiff would be arrested. Submitted Recordings were not admissible; one recording was played during the hearing, the recording contained the interview process and the candidate of choice and why another candidate was selected, and standard practice was changed again to fit the Warden, Derrick Williams's choice for the position.

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

Human Rights

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:
See attached Request for Relief

Signature of Attorney (if any)

Brandon Huss
Dale Roman
505-820-8116

Attorney's full address and telephone number.

Signature of Petitioner

111 Lomas Blvd, NW Ste 424
Albuquerque, NM 87102

Request for Relief:

I believe that I am entitled to the following relief:

The Plaintiff is seeking reparation in this case to include; injunctive relief, front pay, back pay, compensatory and punitive damages, and attorney and court fees if applicable.

This is an employment discrimination case. Plaintiff alleges causes of action for the Age Discrimination/Retaliation under Title VII of the Civil Rights Act of Title VII-Age, Retaliation, HRA – Age, Retaliation.

Plaintiff acknowledges there is evidence to support the satisfaction of the prima facie case for disparate treatment, and the Defendant failed to provide a nondiscriminatory reason for an unlawful employment action. Plaintiff requests Motion to issue a Summary Judgement on two claims if applicable.

Count I: Age Discrimination

Count II: Negligence – Retaliation

The following was discussed during Conciliation: Front pay and Back pay.

Proposal 1 - Volunteer Coordinator Wage**Baseline Lost Wages**

Lost Wages from [January 1, 2018] thru [December 31, 2018]	Day (8 Hours)	Week (40 Hours)	Year 1 (2080 Hours)
Rate of pay \$22.00 an hour	\$176.00	\$880.00	\$45,760.00
Holidays (7 Holidays x Rate of Pay)			\$1,232.00
Vacation (2 weeks) (80 x Rate of Pay)			\$1,760.00
			\$48,752.00
			2.5% Pay Increase
Lost Wages from [January 1, 2019] thru [December 31, 2019]	Day (8 Hours)	Week (40 Hours)	Year 2 (2080 hours)
Rate of pay \$22.55 an hour	\$180.40	\$902.00	\$46,904.00
Holidays (7 Holidays x Rate of Pay)			\$1,262.80
Vacation (2 weeks) (80 x Rate of Pay)			\$1,804.00
			\$49,970.80
			2.5% Pay Increase
Lost Wages from [January 1, 2020] thru [April 20, 2020]	Day (8 Hours)	Week (40 Hours)	Year 3 (600 Hours)
Rate of pay \$23.11 an hour	\$184.88	\$924.40	\$13,866.00
Holidays (7 Holidays x Rate of Pay)			\$1,294.16
Vacation (2 weeks) (80 x Rate of Pay)			\$1,848.80
			\$17,008.96
Total Volunteer Coordinator Lost Wages Thru April 20, 2020			\$115,731.76

Compensatory and punitive damages are requested along with attorney and court fees if applicable.

Catalog - Documents

	Jo Anne Penas Reponse	
	Exhibits - Section A	
✓ I	Email to Public Safety Director 07.31.2018	
II	Volunteer Complaint	
	Email to Bernadette re. Program Manager Job - Complaint	
III	08.01.2018	
IV	Human Resources Complaint with SFC	
V	Email to County Manager 08.29.2019	
VI	SFC Position Statement	
	Exhibits - Section B	
✓ 1	Job Descriptions	
✓ 2	Email to Warden Williams - Interest in PM Position	
3	Duals Master Degree Transcript	
4	Jo Anne Pena Resume submitted for Program Manager opening	
5	Bachelors Degree	
6	Email from SFC Not selected to move forward - 07.24.18 & 09.22.19	
7	YDP Zozobra Project	
8	Personal Hygiene YDP Program	
9	June/July/August Newsletter Example	
10	March News Letter Example	
11	Weekly Schedule	
12	SFCC Letter from Susan Rathjen	
13	HSE Inmate Participation Levels	
14	Tutoring plan for Federal Inmates	
15	SFCC Letter of Agreement - never signed	
16	Lawsuit	
17	Volunteer Coordinator - Notice of qualification	
18	Notification to ACSFME - Retaliation	
19	Notice of Suspension	
20	Email from Michael Oliver Paint Brususes	
21	Contraband - Volunteer Coordinator Handbook	
1	Jo Anne Pena	
2	Leslie Pacheco	
3	Mark Lujan	
4	Audrey Esquibel	
5	Michael Oliver	
6	Diane Sena	
7	Mandy Perez	
8	Jodie Holmes	
9	Mathew Duran	
10	Priscilla Torres	

✓
Admitted
into evidence
all others
not admissible

MICHELLE LUJAN GRISHAM
GOVERNOR



BILL McCAMLEY
SECRETARY

HOWIE MORALES
LT. GOVERNOR

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS
Labor Relations Division
Human Rights Bureau
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
Phone: (505) 827-6838
Fax: (505) 827-6878

DETERMINATION OF PROBABLE CAUSE

April 1, 2020

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Jo Anne Pena
2859 Calle de Molina
Santa Fe, NM 87507

**Re: Jo Anne Pena v. County of Santa Fe
HRB #19-04-15-0126
EEOC #39B-2019-00653**

Dear Jo Anne Pena:

By the Authority granted the Bureau under Section 28-1-10 (C), NMSA, 1978
Compilation of the Human Rights Act, the following Probable Cause Determination is
issued based on an investigation of the above-captioned complaint.

In your April 15, 2019, charge of discrimination, you allege you were discriminated
against on the bases of age and retaliation in violation of the Age Discrimination in
Employment Act of 1967 and the New Mexico Human Rights Act, both as amended.

The records and statements submitted to the Human Rights Bureau are as follows:

The Charging Party (CP) alleges that on 7/18/2018, she informed Derrick Williams-
Warden, that she was interested in a Program Manager Position. Williams changed the
job description so that he could select a younger female applicant that he was
romantically involved with. In August 2018, CP informed Human Resources that this
was happening.

Once CP complained to HR, Williams and Deputy Warden Michael Oliver began to
prevent her from conducting the volunteer program at the Santa Fe County Adult

I would prefer to achieve a conciliation of this complaint and by copy of this letter, I am requesting all parties to explore conciliation. If conciliation efforts fail, a Formal Hearing has been scheduled for TO BE DETERMINED, in accordance with Section 28-1-10 (F), of the Human Rights Act.

Pursuant to Section 28-1-10 (J) of the Human Rights Act, you have the right to request a waiver of right to hearing. This request must be received in writing within sixty days from the date of service of the written probable cause determination. Notice of the waiver will be served upon the Complainant and Respondent. The complainant may request a trial de novo pursuant to Section 28-1-13, NMSA 1978 within ninety days from the date of service of the waiver.

Respectfully,

Bill McCamley
Secretary
New Mexico Department of Workforce Solutions

By: Dr. Deborah Williamson
Dr. Deborah Williamson
Director
Division of Labor Relations, Human Rights Bureau

c: County of Santa Fe
Derrick Williams-Warden
Michael Oliver- Deputy Warden
Rachel Brown

MICHELLE LUJAN GRISHAM
GOVERNOR



BILL McCAMLEY
SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS

HOWIE MORALES
LT. GOVERNOR

Labor Relations Division
Human Rights Bureau
1596 Pacheco Street, Ste. 103
Santa Fe, NM 87505
Phone: (505) 827-6838
Fax: (505) 827-6878

July 10, 2020

Jo Anne Pena
2859 Calle de Molina
Santa Fe, NM 87507

County of Santa Fe;
Derrick Williams; Michael Oliver
c/o Rachel Brown
102 Grant Avenue, Floor 2
Santa Fe, NM 87501

RE: Jo Anne Pena v. County of Santa Fe; Derrick Williams; Michael Oliver
HRB #19-04-15-0126
EEOC #39B-2019-00653

The conciliation efforts in this case have not been successful. Therefore, the matter will proceed to a formal hearing for disposition to a date subsequently noticed and determined by the evolving situation regarding COVID-19.

Serious preparation by both parties for the hearing is encouraged. At the hearing, the claimant has the burden of proving by a preponderance of the evidence that unlawful discrimination occurred in violation of the New Mexico Human Rights Act. The respondent will present its case and supporting evidence in defense of the claims against it. Though neither party is required to do so, either may consult with an attorney for assistance in the preparation of your case or representation at the hearing.

Each party presents evidence through the sworn testimony of witnesses and the introduction of exhibits at the hearing. Locating and compiling evidence to be presented at the hearing is a necessary part of your preparation. Securing the testimony of witnesses and determining documents to be used as exhibits are appropriate means of evidence discovery at this time. The Commission can assist you in the discovery process by issuing subpoenas for the appearance of witnesses and for the production of documents, as requested.

It is the responsibility of each party to serve the other party with a copy of all documents or written requests submitted to the Human Rights Bureau. Each party's mailing address is written above. Note that neither the Administrative Law Judge or members of the Human Rights

Detention Facility. For example, at a presentation at Santa Fe Community College, Oliver told attendees that she was failing at her job. Williams and Oliver made other false statements to participants in her program and to her co-workers. CP was disciplined in retaliation for her complaint.

- Respondent (Responding Party/RP) denies your allegations and states that you were not discriminated against.

RP provided their position statement and request for information on July 19, 2019. RP denies CP's allegations. RP provides that:

- The process of revising the minimum qualifications for the Program Manager Position began before CP expressed interest in the position. On July 12, 2018, Warden Derrick Williams submitted a mark-up of the job description for Corrections Program Manager to Sonya Quintana, Interim Human Resources Manager. The job description had not been updated since 2007.
- The younger employee for which the minimum qualifications were allegedly tailor made, Priscilla Torres, was never offered the job. After the minimum requirements were revised a second time, a fifty year old woman was hired for the position.
- CP never alleged age discrimination to the county. Instead, she complained of favoritism towards Ms. Torres based upon an alleged romantic relationship between Ms. Torres and Warden Williams (Robert Caswell Investigations report).
- CP was not disciplined as a result of her complaint.
- CP did not engage in a protected activity. She complained to the county about unfair hiring practices rather than age discrimination.

Investigator's Finding

Based on the evidence proffered there are reasonable grounds to believe that CP was discriminated against on the basis of age in violation of the Age Discrimination in Employment Act of 1967 and the New Mexico Human Rights Act, both as amended, and that CP was retaliated against for engaging in a protected activity in violation of the Age Discrimination in Employment Act of 1967 and the New Mexico Human Rights Act, both as amended.

After consideration of all the evidence presented to the Human Rights Bureau in connection with your complaint, I find there is sufficient evidence to believe that discrimination has occurred. Therefore, I am issuing a **PROBABLE CAUSE** determination on the bases of age and retaliation. Respondent will be notified by copy of this Determination.

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF NEW MEXICO

JO ANNE PENA
Claimant,

v.

HRB #19-04-15-0126

COUNTY OF SANTA FE; DERRICK WILLIAMS;
MICHAEL OLIVER; RACHEL BROWN,
Respondents.

PRE-HEARING ORDER

This Matter has been set for an Administrative Hearing before the Administrative Law Judge on behalf of the Human Rights Commission.

IT IS HEREBY ORDERED that the Parties shall comply with following provisions:

- (1) Each party is responsible for preparing its case for presentation to the Commission panel or hearing officer conducting the hearing.
- (2) The parties are to be present at the scheduled hearing. The Claimant is required to appear at the hearing in order to pursue his or her claim before the New Mexico Human Rights Commission, as set out in Section 28-1-11(A) of the New Mexico Human Rights Act. The failure of a party to be present at the hearing may result in a Commission judgment against the party. Each party is responsible for presenting its case to the Commission panel or hearing officer conducting the hearing.
- (3) The scheduled date and amount of time set for the hearing in the Commission Complaint (Notice of Hearing) shall be the time allocated for the hearing - unless a party's written request for a change in

notarized. The Respondent may submit a written objection, if any, to the attorney fees requested by the Claimant. The objection to attorney fees shall be submitted to the Commission and a copy served on the Claimant within five calendar days after the submission of the attorney affidavit setting forth the fees, unless the Commission or the hearing officer directs otherwise.

FAILURE TO COMPLY WITH THIS ORDER AND COMMISSION RULES MAY RESULT IN APPROPRIATE SANCTIONS, INCLUDING THE EXCLUSION OF A PARTY'S WITNESS OR EXHIBITS.

IT IS SO ORDERED.

7/10/2020
DATE

/s/ Cady Sartorius
CADY SARTORIUS
Administrative Law Judge
Human Rights Bureau

MICHELLE LUJAN GRISHAM
GOVERNOR



RICKY SERNA
ACTING SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS

HOWIE MORALES
LT. GOVERNOR

Labor Relations Division
Human Rights Bureau
1596 Pacheco Street, Ste. 103
Santa Fe, NM 87505
Phone: (505) 827-6838
Fax: (505) 827-6878

RE: **Jo Anne Pena v. County of Santa Fe; Derrick Williams; Michael Oliver; Rachel Brown**
HRB #19-04-15-0126

POST-HEARING NOTICE TO ALL PARTIES

The hearing in this matter occurred on May 10, 2021 at 9:00AM via remote video conference in front of Administrative Law Judge Cady Sartorius on behalf of the Human Rights Commission.

The parties have until **May 20, 2021, 10 calendar days after hearing** to submit to the Human Rights Bureau their **Proposed Findings of Fact and Conclusions of Law**. (9.1.1.14(C)(9)(b) NMAC.) The proposed findings of fact portion should be a summary of the relevant facts introduced at the hearing that the party wishes the Commission to conclude are the facts in this case. The proposed conclusions of law are the legal conclusions that the party wishes the Commission to draw based on the facts. This section should also include the ultimate outcome or determination the party wishes the Commission to make. Submission of this document is optional but encouraged.

If the claimant was represented by private legal counsel and seeks to recover attorney fees, claimant's attorney must submit an **Attorney Affidavit** with an itemization of fees (such as date, services rendered, time spent, and amount charged) on or before **May 25, 2021, 15 calendar days after hearing**. (9.1.1.14(C)(10)(d) NMAC.) A copy must be served on Respondent, who will then have five calendar days to submit a written objection to the attorney fees, if any, to the Bureau and serve a copy on the opposing party.

Submissions can be uploaded to CaseLines, emailed to the Hearing Clerk (melissa.griego2@state.nm.us), or mailed to 1596 Pacheco Street, Suite 103, Santa Fe, NM 87505. Due for submission means received by 5:00pm. Parties can also request a copy of the recording of the hearing by emailing the Hearing Clerk. Please allow one week to receive the recording.

The hearing record will automatically close at 5:00pm on the latest deadline for submission of documents. The Administrative Law Judge (ALJ) or the panel of Commissioners who presided over your hearing will then review the evidence. Please be patient, as the Commission will announce its decision and order at a public meeting within 90 days of the close of the record. The meeting will be publicly noticed and a copy of the notice will be available to you in CaseLines. You are not required to be present at the meeting. Within five days after the Commission announces its order, all parties will receive a written copy of the Order.

Post Hearing Brief-Jo Anne Pena vs. Santa Fe County

HRB: #19-04-15-0126

EEOC: #39B-2019-00653

Jo Anne Pena, **Complainant**

Vs.

County of Santa Fe Adult Detention Facility (CSF, ADF), **Defendant**

PO Box 126 Santa Fe, NM 87501

Derrick Williams-Warden, **Defendant**

Michael Oliver-Deputy Warden, **Defendant**

28 Camino Justicia

Santa Fe, NM 87508

COMPLAINANTS POST HEARING BRIEF

Complainant, Jo Anne Pena submits her Post Hearing Brief in this case states:

Introduction

The complainant has been discriminated against in violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation*, and the *New Mexico Human Rights Act (NMHRA), N.M. State. Ann §§ 28-1-1 to 14, (2207)*.

The complainant was interested in, and objectively *qualified* for the position of Program Manager based on Santa Fe County's job description posted to the County of Santa Fe (CSF) website with a revision date of 09/06/07 (see **Exhibit A**); however after expressing interest to leadership on July 19th, 2018, the 09/06/07 job description was edited in the 11th hour and posted to the CSF website with a revision date of 7/20/2018 to include a Degree in Criminology, and the years of experience were extended from 2 to 5.

Since the complainant only had 2 and ½ years of direct experience working in a detention facility at the time, the complainant was forced to incorporate non law enforcement experience but relevant to continued Program Development. Following the complainant's disqualification for the Program Manager Position, complaint and subsequent resignation on September 10th, 2018, the County of Santa Fe once again changed degree qualification requirements and years of experience with a revision date of 12.13.2018 and posted to the CSF website- see **Exhibit C**. (see Table 1 for additional detail)

The complainant was qualified for the position of Program Manager based on the 09.06.07 job description with an MBA in Business and Health Administration including 2 and ½ years of proven program development with the County of Santa Fe Adult Detention Facility and positive reinforcement recognition from CSF commissioners.

The CSF failed to sufficiently present non-discriminatory reasons for its conflicting job posting edits to the Program Manager's job description, specifically, the type of degree and years required to meet the minimum qualifications for application following the complainant expressing interest in the Program Manager position on July 19th, 2018 to the highest level of leadership. The complainant was not provided a reasonable opportunity to pursue deeper questioning in understanding the defendant's motive and intention regarding edits to the Program Manager job description as outlined in Table 1 Program Manager Job Descriptions.

The complainant's disqualification and subsequent resignation followed CSF's 11th hour edits to the Program Managers job description posted with revision date 7/20/18- see **Exhibit B**. The manifestation of various back dated and heavily edited job descriptions, presented in the in the May 10th hearing, is again a clear indication of CSF's continued malice,

Post Hearing Brief-Jo Anne Pena vs. Santa Fe County

hostility, and intent to discriminate, which follows a pattern of targeted discipline procedures toward the complainant, including “so called” policy infractions not covered in the CSFADF Code of Ethics handbook.

Additionally, leaderships ineffective application of Weingarten rights and undermining the complainant’s credibility with professional contacts within the community, again, clearly demonstrates malice with intent in violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation* and requires the defendant establish burden of proof.

Standard and Burden of Proof

Discrimination cases generally turn on circumstantial evidence, *Charles v. Regents of New Mexico State of NMSU* 150 N.M. 558, 263 p.3d 900, 2011 N.M. Lexis 10 (N.M., Jan. 3, 2011). A presumption of discrimination arises when a *prima facie* case is established. HN2 The continuing violation doctrine distinguishes between discrete acts such as failure to promote and a hostile environment. The basis for this distinction is that discrete acts generally constitute separate actionable unlawful employment practices to take place at an identifiable time, while hostile environment cases involve repeated conduct over days or years and can be said to have occurred at the time of any act contributing to the hostile environment.

CSF’s pattern of targeted actions was designed to mask internal discrimination toward the complainant in violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation*, evident as a leading motivating factor in the defendant’s job description edits leading to the complainant’s timely disqualification and the final selection of a non-qualified candidate. Therefore, the Burden of Proof shifts to the defendant to rebut the presumption of discrimination in violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation* by failing to produce evidence that the complainant was rejected or someone else was preferred for a legitimate, non-discriminatory reason.

Not to persuade the court, but it is the complainant’s observation and experience that CSF’s actions are motivated by the proffer reason setting forth admissible evidence to demonstrate pretext for targeted discrimination.

The County of Santa Fe ADF witnesses presented contradictions during the May 10th, 2021 hearing. Files are not readily available to the parties, and the Judge did not have access to the case file. As of May 6th, two weeks prior to this hearing, CaseLines was inaccessible. As of the May 20th, 2021 post hearing brief deadline, the CaseLines system is still not accessible including the Hearing Coordinator’s inability to provide a timely transcript of the May 10th, 2021 hearing amongst other things, leaving inherent vulnerabilities to case presentation and the writing of this post hearing brief.

Again, this already following the complainant’s discrimination complaint, submitted documentation and purpose for this hearing. For example, during the May 10th, 2021 hearing, according to County of Santa Fe Attorney, the Program Manager position was filled shortly after complainant’s formal written complaint was submitted in July of 2018 however according to the edited job descriptions provided by the defendants, the “final Job Description” was released on 12/13/2018 and posted to the County of Santa Fe website with the Program Manager Job filled in 2019. Additionally, when the complainant inquired about the age of the current Program Manager hearing, the County of Santa Fe attorneys replied that the current Program Manager age was 50 in 2018, however according to the testimony of Sonya Quintana, Human Resource Director, the current Program Managers age was 46 in 2018 once again demonstrating CSF’s continued denial of pretext manipulation post violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation*.

The County of Santa Fe exhibits display edits that demonstrate contradictions of pretext leading to the complainant’s resignation, and filing of this formal complaint. These contradictions are in violation(s) of *Title VII-Age, Retaliation, HRA – Age, Retaliation* and *New Mexico Human Rights Act (NMHRA)*, N.M. State. Ann §§ 28-1-1 to 14, (2207). A. an employer, unless based on a bona fide occupational qualification or other statutory prohibition, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex,

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physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation; provided, however, that 29 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination based on age; or, if the employer has fifteen or more employees, to discriminate against an employee based upon the employee's sexual orientation or gender identity;

Table 1 compartmentalizes the exhibit, date, minimum qualifications, document type/edits, source of job description/application along with the complainants' actions and res.

Table 1 Program Manager Job Descriptions

Summary Complainant's pre-resignation exhibits					
Exhibit	Revision Date	Minimum Qualification	Document Type/Edits	Source	Complainant Action/Results
A	09.07.2007	Bachelors degree in Criminal Justice, Sociology, psychology or related field plus (2) years of experience in a correctional facility, law enforcement setting, or residential treatment facility performing duties specifically relevant to the essential job functions and knowledge and skills defined herein. Must pass background check (drivers license, criminal history, and wanted persons). Must possess a valid New Mexico Class D drivers License. Incumbent may be appointed to drive a County of Santa Fe vehicle while conducting County Business.	Type: Paper CSF Edit(s): NA	Human Resources Director	Expressed interest in position to leadership on 7/19/18 and prepared resume for application.
Exhibit	Revision Date	Minimum Qualification	Document Type/Edits	Source	Complainant Action/Results
B	07.20.2018	Bachelors degree in Social Work, Criminal Justice, Criminology or Public Health plus (5) years of experience in a corrections or a law enforcement setting or residential treatment facility performing duties specifically relevant to the essential job functions and knowledge and skills defined herein. Must pass background check (driver's license, criminal history, and wanted persons).	Type: Digital posted to County of Santa Fe website for download CSF Edit(s) or revisions to 09.07.2007 job description: Years of Experience.	County of Santa Fe Website	Applied and was disqualified based on years of experience.

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Complainant resigned on September 10 th , 2018 – Post resignation exhibit					
Exhibit	Revision Date	Minimum Qualification	Document Type/Edits	Source	Complainant Action/Results
C	12.13.2018 Closing Date for Application 01.02.2019	Bachelors Degree in public/business administration, health, social work, or a related field and (3) years of public program management experience or any combination of education, training and experience that demonstrates the ability to perform the duties of the position. Two (2) years supervisory experience.	Type: Digital posted to County of Santa Fe website for download CSF Edit(s) or revisions to 09.07.2007 and 07.20.2018 job descriptions: Years of Experience and Degree types.	County of Santa Fe Website	No Action Complainant resigned on September 10 th , 2018

Summary Defendants Exhibits – Job Description Comparison		
04.04.2018	Bachelors degree in Criminal Justice, Sociology, psychology or related field plus (2)years of experience in a correctional facility, law enforcement setting, or residential treatment facility performing duties specifically relevant to the essential job functions and knowledge and skills defined herein. Must pass background check (drivers license, criminal history, and wanted persons). Must possess a valid New Mexico Class D drivers License. Incumbent may be appointed to drive a Santa Fe County vehicle while conducting County Business	Email from Diane Sena to Irene Mueller requesting job description for Program Manager- Defendants Exhibit (F) Shows another job description with an April date, no changes were made until July. During the May 10 th hearing Defendants attorney stated that the job description had not change for years. This job description contradicts Exhibit A's Job Description dated 09.07.2007. As the 04.04.2018 Job Description shows it was updated in April 2018 when the Program Manager, Renee Fernandez was still employed with ADF.
07.20.2018	Bachelors Degree in public/business administration, health, social work, or a related field and (3) years of public program management experience or any combination of education, training and experience that demonstrates the ability to perform the duties of the position. Two (2) years supervisory experience.	Same description - IDENTICAL TO Complainants Exhibit(C) - Dated in July with no closing date. Written on the same date as Exhibit (B). Yet another update – does not match job description in Complainants Exhibit C retrieved from CSF Website. Defendants Exhibit (K)

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The exhibits presented by the defendants in the May 10th, 2021 hearing were unknown and unavailable to the complainant at the time of application, nor posted to the County of Santa Fe website for download. The job description the complainant applied for was available for download from the County of Santa Fe website, the document downloaded is **Exhibit B**. The complainant can only conclude, the defendants exhibits presented to the courts were draft documents for internal leadership only, disclosed following the complainant's resignation, filing of a formal complaint and/or generated for the purposes of this hearing.

The County of Santa Fe ADF failed to present any legitimate nondiscriminatory reasons for their final candidate selection, providing only a heavily edited Add/Change Job Description, and drafts on formal internal documents not available to interested internal job applicants or the general public. The defendant's case and post resignation documents are weak and should be taken as an adverse inference as to the credibility of the defendant(s) manufactured pretext and viewed as discriminatory.

Elements, Adverse Employed Actions

"The New Mexico Human Rights Act (NMHRA), N.M. State. Ann §§ 28-1-1 to 14, (2207) provides that it is an unlawful discriminatory practice for any person or employer to engage in any form of threats, reprisal or discrimination against a person who has opposed any unlawful discriminatory practice or has filed a complaint, testified or participated in any proceedings under the NMHRA, N.M. State. Ann, § 28-1-7(I (2))."

The Complainant filed several complaints and testified, as the Deputy Warden questioned whether union representation was an option for Complainant. Complainant was advised union representation was unavailable, and threatened with incarceration, as contraband was in question for a recorder that was used to record events of harassment. Complainant recorded to obtain proof of harassment. Complainant was questioned by the Warden, Derick Williams, regarding the job description and questioned why she thought it was geared towards candidate Priscilla Torres, the Warden, Derrick Williams implied defamation of character and suggested complainant was spreading rumors of inappropriate relationship between him and the candidate Priscilla Torres. During this recorded meeting, Complainant asked for representation on two occasions, as the warden continued with questioning. Shortly, thereafter the Deputy Warden, Michael Oliver asked the complainant to bring in an article (contraband) that was not approved.

These submitted recordings to the New Mexico Human Rights Division were not admissible; one recording was played during the hearing, the recording contained the interview process and the candidate of choice and why another candidate was selected.

The complainant establishes prima facie as a protected class and has provided exhibits of the Job Descriptions, to show pretext, downloaded from the CSF website and followed by the complainant during the job application process while the defendant presented internal documents with conflicting dates and edited qualifications along with years of service, demonstrating a continued active effort of reprisal, discrimination, and deception post complaint.

Submitted recordings, confirm that officials involved in the hiring process state that although there was a discussion of ranking applicants for the Program Manager Position, Priscilla Torres was leaderships pre-selected candidate, who was ranked at 2 with 1 as the highest-ranking candidate. It was clear that edits to the 07/20/2018 Program Manager Job Description were designed to exclusively accommodate Priscilla Torres.

The following table displays ages of the three candidates selected for Interview:

Table 2 Candidates approximate age in 2018.

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Ranking of Candidates	Candidates	Age
1	Leslie Pacheco	32
2	Priscilla Torres	45
3	Rebecca McKibbin	33

Finally, while the complainant was very much interested in and planning on pursuing a long-term career with the CSF ADF, the obvious manipulation of the Program Manager Job Description resulting in the complainant's disqualification and subsequent resignation was the culmination of years of an ongoing hostile work environment, and elusive career advancement opportunities in violation of *The New Mexico Human Rights Act* leading to a violation of *Title VII-Age, Retaliation, HRA – Age, Retaliation* which began in 2016 from then Program Manager, Renee Fernandez, with repeated abusive language such as “don’t be a bitch”, “Bitch”, “Stupid”, “Tonta”; while the Deputy Warden, Michael Oliver was soliciting assistance of the complainant with unapproved items known as contraband.

Documentary Evidence Supports Complaints Contentions of Discrimination

The complainant displayed that the County of Santa Fe discriminated against her on the basis of Age Discrimination and Retaliation and the complainant was not given “serious consideration.” The complainant emailed Warden, Derick Williams, on July 19, 2018, summarizing their meeting in which interest of applying for the Program Manager Job was reaffirmed, **Exhibit D**. The Job Description in question is dated 07.20.2018, a day after complainant expressed interest. Complainant also emailed Pablo Sedillo, Public Safety Director, **Exhibit E**. In this email the complainant was emphasizing, the job description did not require managerial experience, and how it is geared towards a candidate in Re-Entry Services, with no programs background, 5 years of experience in a corrections or law enforcement setting. As tensions were growing, complainant asked to be moved to another facility permanently. Harassment of incomplete work (program development and implementation) pending leadership approvals was increasing, and although the complainant demonstrated great work performance in a hostile work environment, it became a weekly question with administration officials under the Wardens leadership. According to County of Santa Fe ADF's altered Add/Change Job Description it was signed on 07/20/2018 by the Acting Human Resource Director Sonya Quintana. In recordings submitted to the Human Rights Division, the job was preselected; however, documents were not admissible during the May 10th hearing. The applicants for this position were females all under 50 years old. The County of Santa Fe ADF used subjective criteria that were impossible to quantify in an effort to sabotage the complainant and mask discrimination.

The reasons given for the complainant's rejection of qualification for Program Manager were not presented. Only that complainant did not have years of law enforcement experience. Therefore, the Defendant's reasoning for multiple job requirement edits are not equitable. In some cases, when applying for jobs, the employer may list work experience or equivalent experience that may be substituted for education. In this case, the only time experience was substituted for education is when the Job description was rewritten yet again in December 2019 for the current Program Manager. Complainant believes job descriptions are written according to the preselected candidate's background. See Defendants Exhibits K and Complainant's Exhibit B.

Closing

The complainant has proven Prima Facie case of Discrimination. She is over 50 years old, the complainant is qualified, and the position of Program Manager was not given to a person in a protected class. Complainant was overlooked, and the job description of Program Manager was modified to accommodate a preselected younger candidate. Although, the candidate was not selected, a non-degreed individual with years of experience leads that department today. SFC's pattern of negative actions against Complainant, and increased surveillance of complainants work, and timeframe of all negative actions are indicative to the casual connection. .

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Complainant left her job because retaliation was so severe, regular meetings often turned into interrogations of work performance, when complainant requested Union representation, Weingarten rights were denied. Complainant was disciplined and suspended for a non-existent policy. *NLRB v. J. Weingarten, Inc.* 420 U.S. 251 *,95 S. Ct.959 **,3 L. Ed. 2d 171 ***; 1975 U.S. LEXIS 136 ****; 76 Lab. Cas. (CCH) P10,662; 88 L.R.R.M 2689, HN3 states an employee's right to refuse submit without union representation to an interview which reasonably rears may result in his discipline inheres in the guarantee of § 7 of the National Labor Relations Act, 29 U.S.C.S § 157, of the right of employees to act in concert for mutual aid and protection. During a recorded conversation with Warden, Derick Williams, the complainant was questioned about an investigation the complainant filed regarding the Job Description. Defamation of character was the topic, and why complainant felt the job description was written for a selected candidate. This is a serious violation of an individual's right to engage in concert activity by seeking the assistance of her statutory representative, if the employer denies the employees request and compels the employee to appear unassisted at an interview which may put her job security in jeopardy. Complainant detected she had no other choice but to resign. County of Santa Fe ADF's actions led to emotional distress for the complainant, creating health conditions, as the complainant was on FMLA. Complainant no longer felt that her employment with Santa Fe County was fair.

Inmates were complaining of human right violations, volunteers were complaining of the same. Complainant had a duty to report and inhumane complaints were not investigated. The inhumane complaints were redacted in County of Santa Fe's rebuttal.

Complainant requested a continuance to conduct additional discovery, testimony, and council. Due to Covid 19 Restrictions, an ongoing emergency, business closures, and an ailing mother, finding council was difficult. Complainant was denied as the court found that complainant had sufficient time to find council. Complainant defended herself, attempted to admit evidence leading to age discrimination and retaliation: however, her evidence was repudiated.

The complainant hereby incorporates this Pre-Hearing Statement and all other pleadings.

This is an employment discrimination case. Complainant alleges causes of action for the Age Discrimination/Retaliation under Title VII of the Civil Rights Act of Title VII-Age, Retaliation, HRA – Age, Retaliation.

Complainant acknowledges there is evidence to support the satisfaction of the prima facie case for disparate treatment, and the Defendant failed to provide a nondiscriminatory reason for an unlawful employment action.

The Claimant is seeking equitable relief the court finds appropriate under *Title VII-Age, Retaliation, HRA – Age, Retaliation*, and the *New Mexico Human Rights Act (NMHRA)*, *N.M. State. Ann §§ 28-1-1 to 14, (2207)*, and Attorney and court fees, if applicable.

Complainant sought amicable remedy as part of mediation, and it was rejected by same.

See attached Exhibits:

- A. Job Description dated 09.07.2007**
- B. Job Description dated 07.20.2018**
- C. Job Description dated 12.13.2018**
- D. Email to Warden Williams**
- E. Email to Pablo Sedillo. .**

A



Santa Fe County Human Resources

www.santafecounty.org
 949 W. Alameda SE, NM 87501
 Ph: 505-992-9880 - Fax: 505-992-9895

Job Title: Program Manager
Department/Division: Corrections/ YDP
Salary: \$22.7827hr - \$34.1741/hr **Range:** 36
Position Status: Full-Time/ Classified
FLSA Status: Not Covered
Closing Date:
Job #:

Primary Purpose:

Under limited supervision by the Facility Director, is responsible for the day-to-day operations of the specific assigned program. Including security, programming, and the supervision of all staff assigned to the programs. Performs liaison functions throughout the facility by attending a variety of administrative meetings, thereby linking the unit to the total facility operation.

Essential Job Functions:

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only to provide a summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

- Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios. Performs the duties of the Facility Director or supervisor in his/her absence.
- Conducts unit inspections for adherence to all facility and County guidelines of security, health and safety and all applicable policies, procedures, standards and governmental regulations. Maintains shift logs, reviews reports and records produced by staff. Supervises the receiving and releasing process in order that assignments of new juveniles/inmates are properly processed for their respective units.
- Takes appropriate action in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and provide recommendations to Facility Director/supervisor. Prepares monthly, quarterly and annual program evaluations on areas of responsibility with recommendations for programming.
- Provides leadership to subordinates through the assignment of work, monitoring of progress, review of results and technical instruction or training. Participate in staff meetings by sharing observations and recommendations regarding the facility, participants and staff in order to identify and solve problems and functions as a unified team. Maintain confidentiality regarding employees, and participants.

Knowledge and Skills:

- Write legible reports in English using correct grammar. Add, subtract, multiply, divide and calculate percentages.
- Ability to effectively interact with others; communicate verbally; react quickly and appropriately to emergency situations.

Minimum Qualifications:

- Bachelor's degree in criminal justice, sociology, psychology or related field plus two (2) years of experience in a correctional facility, law enforcement setting, or residential treatment facility performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.
- Must pass background check (driver's license, criminal history, and wanted persons).
- Must possess a valid New Mexico Class D driver's license. Incumbent may be appointed to drive a Santa Fe County vehicle while conducting County business.

Working Conditions:

Adult/juvenile detention center setting. Work is performed in both an office setting and outdoors, in varied weather conditions. Work schedule shall include shift, evening, weekend, holiday and on-call hours. Frequent standing, walking, sitting, bending, lifting (25 lbs max.), drag up to 175 lbs; must be able to deal effectively and therapeutically with dysfunctional behavior; plan and implement therapy programs. Participants may be argumentative and confrontational at times, requiring quick reflexive responses. May require arduous physical exertion under vigorous and unusual conditions. Manual and finger dexterity required. May be subject to cuts, bruises, scrapes, burns, broken bones, insect and/or animal bites, germs, bacteria, viruses, environmental allergens, gases and fumes. Incumbent will be subject to random pat down searches. May be subject to life threatening situations. Essential employees shall be required to work assigned shifts regardless of adverse weather conditions or holidays.

Selected candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening.

Submit Applications to:

Santa Fe County Human Resources

948 West Alameda Santa Fe, NM 87501

Resumes will not be accepted in lieu of the official Santa Fe County employment application.

Proof of education, certificates and/or endorsements must be attached to each application.

Revised 09/08/07

(B) 1



SANTA FE COUNTY

942 West Alameda Street, Santa Fe, NM 87501

Phone: 505-992-9830 Fax: 992-9895

Email: www.santafecountynm.gov**Job Title: Corrections Program Manager****Department/Division:** Public Safety Department/Corrections**Salary:** \$22.7827/hr. - \$34.1741/hr.**Range:** 36**Position Status:** Full-Time/ Classified**FLSA Status:** Exempt**Closing Date:** August 7, 2018**Job #:** 7-2018-023

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only to provide a summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

Primary Purpose:

Under limited supervision by the Warden or designee, is responsible for overseeing and directly supervising all Re-Entry, Volunteer Services, and Education staff. Will also be involved in day-to-day operations and will perform in accordance with established policies and procedures in the functional areas. Performs related work as required. Performs liaison functions, program implementation and evaluation, direction of supervisory, professional and support staff and the maintenance of required records and reports.

Essential Job Functions:

- Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.
- Takes appropriate action in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and provide recommendations as deemed necessary to the Warden or designee. Prepares monthly, quarterly and annual program evaluations on areas of responsibility with recommendations for programming and re-entry services.
- Provides leadership to subordinates through the assignment of work, monitoring of progress, review of results and technical instruction or training. Participate in staff meetings by sharing observations and recommendations regarding the facility, participants and staff in order to identify and solve problems and functions as a unified team. Maintain confidentiality regarding employees, and participants.
- Attends Santa Fe County community provider meetings in and disseminates information to appropriate staff within the facility in order to ensure a faster and more effective transition of the inmate population to the community.

- Assists and maintains in developing a standard protocol for enrollment in Medicaid or other health insurance to support successful re-entry into the community.
- Develops and implements a system of discharge planning that provides a mechanism for discharged inmates to have knowledge and access to pertinent community based services to include but are not limited to ; housing, medical care, opioid dependence, opioid overdose prevention education.
- Establishes a process where post-released inmates are tracked for specific services within the community in order to collect and analyze data.
- Develops, implements, and oversees all educational programs and staff in order to assist inmates reach goals regarding Adult Basic Education and or GED.
- Coordinates with Santa Fe County Community college and Santa Fe Public Schools in order to ensure the Santa Fe County Adult/ Juvenile Detention Center is in accordance with all educational requirements necessary for Adult Basic Education and GED are met.
- Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
- Will evaluate all volunteers selected by the Volunteer Services Coordinator in order to ensure that all authorized individuals are appropriately selected and are suitable for the detention center's needs.

Knowledge / Skills :

- Must demonstrate knowledge of common health-related needs including substance use/opiate addiction, overdose prevention, mental health, Medicaid and health insurance.
- Knowledge of modern theories, principles and practices of corrections and rehabilitation.
- Knowledge of state and federal laws and regulations relating to corrections and rehabilitation.
- Ability to develop policies and procedures.
- Ability to develop programs specific to inmate population needs.
- Ability to plan and maintain effective working relationships with educational, health, social services, and rehabilitation agencies.
- Write legible reports in English using correct grammar. Ability to communicate verbally and be reached quickly and appropriately in emergency situations.
- Knowledge of the Medicaid system and laws in New Mexico and efforts to increase enrollment in Medicaid. Medicaid Presumptive Eligibility Determiner certification for Jails and Prisons required.
- Knowledge reading and understanding NCIC (National Crime Information Center) data.

Minimum Qualifications

- Bachelor's degree in Social Work, Criminal Justice, Criminology, or Public Health plus five (5) years of experience in a corrections or a law enforcement setting, or residential treatment facility, performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.
- Must pass background check (driver's license, criminal history, and wanted persons).

Working Conditions:

Office setting in the Adult and Juvenile Detention Center. Work is performed in both an office setting areas and at times some fieldwork may be required in various weather conditions. Frequent standing, walking, sitting, bending, lifting (25lbs max), must be able to deal effectively and therapeutically with dysfunctional behavior. Participants may be argumentative and confrontational at times, requiring quick reflexive responses. May be subject to exposure to CRT's and VDT's.

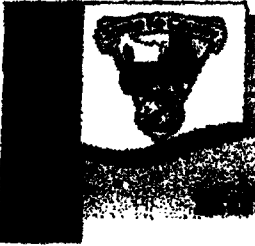
Conditions of Employment:

Selected candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening. Additionally, selected candidate must submit to and pass a county paid criminal background screening. Selected candidate must possess and maintain a valid New Mexico Class D Drivers License as incumbent shall be appointed to drive a County vehicle during the performance of his/her duties.

Submit Applications to:
Santa Fe County Human Resources
940 West Alameda Santa Fe, NM 87501

Resumes will not be accepted in lieu of the official Santa Fe County employment application.
Proof of education, certificates and/or endorsements must be attached to each application.

Revised: 07/20/18



949 West Alameda Street, Santa Fe, NM 87501
Phone: 505-992-9880 Fax: 992-8835
Email: www.santafecountynm.gov

Job Title: Corrections Program Manager

Department/Division:	Public Safety Department/Corrections	
Salary:	\$22.7827/hr. - \$34.1741/hr.	Range: 36
Position Status:	Full-Time/ Classified	
FLSA Status:	Exempt	
Closing Date:	January 2, 2019	
Job #:	12-2018-021	

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only to provide a summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

Primary Purpose:

Under supervision by the Deputy Warden, is responsible for overseeing and directly supervising all Re-Entry, Volunteer Services, EM Supervisor and Education staff. Will also be involved in day-to-day operations and will perform in accordance with established policies and procedures in the functional areas. Performs related work as required. Performs liaison functions, program implementation and evaluation, direction of supervisory, professional and support staff and the maintenance of required records and reports.

Essential Job Functions:

- Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.
- Takes appropriate action in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and provide recommendations as deemed necessary to the Deputy Warden. Prepares monthly, quarterly and annual program evaluations on areas of responsibility with recommendations for programming and re-entry services.
- Provides leadership to subordinates through the assignment of work, monitoring of progress, review of results and technical instruction or training. Participate in staff meetings by sharing observations and recommendations regarding the facility, participants and staff in order to identify and solve problems and functions as a unified team. Maintain confidentiality regarding employees, and participants.

- Attends Santa Fe County community provider meetings in and disseminates information to appropriate staff within the facility in order to ensure a faster and more effective transition of the inmate population to the community.
- Assists and maintains in developing a standard protocol for enrollment in Medicaid or other health insurance to support successful re-entry into the community.
- Develops and implements a system of discharge planning that provides a mechanism for discharged inmates to have knowledge and access to pertinent community based services to include but are not limited to ; housing, medical care, opioid dependence, opioid overdose prevention education.
- Establishes a process where post-released inmates are tracked for specific services within the community in order to collect and analyze data.
- Develops, implements, and oversees all educational programs and staff in order to assist inmates reach goals regarding Adult Basic Education and or GED.
- Coordinates with Santa Fe County Community college and Santa Fe Public Schools in order to ensure the Santa Fe County Adult/ Juvenile Detention Center is in accordance with all educational requirements necessary for Adult Basic Education and GED are met.
- Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
- Will evaluate all volunteers selected by the Volunteer Services Coordinator in order to ensure that all authorized individuals are appropriately selected and are suitable for the detention center's needs.

Knowledge / Skills :

- Must demonstrate knowledge of common health-related needs including substance use/opiate addiction, overdose prevention, mental health, Medicaid and health insurance.
- Knowledge of modern theories, principles and practices of corrections and rehabilitation.
- Knowledge of state and federal laws and regulations relating to corrections and rehabilitation.
- Ability to develop policies and procedures.
- Ability to develop programs specific to Inmate population needs.
- Ability to plan and maintain effective working relationships with educational, health, social services, and rehabilitation agencies.
- Write legible reports in English using correct grammar. Ability to communicate verbally and be reached quickly and appropriately in emergency situations.
- Knowledge of the Medicaid system and laws in New Mexico and efforts to increase enrollment in Medicaid. Medicaid Presumptive Eligibility Determiner certification for Jails and Prisons required.

- Case 1:21-cv-00051-SCT-JRK Document 1-1 Filed 06/30/21 Page 33 of 31
- Knowledge reading and understanding NCIC (National Crime Information Center) data.

Minimum Qualifications

- Bachelor's degree in public/business administration, health, social work, or a related field and three (3) years of public program management experience, or any combination of education, training, and experience that demonstrates the ability to perform the duties of the position.
- Two (2) years supervisory experience.

Working Conditions:

Office setting in the Adult and Juvenile Detention Center. Work is performed in both an office setting areas and at times some fieldwork may be required in various weather conditions. Frequent standing, walking, sitting, bending, lifting (25 lbs. max), must be able to deal effectively and therapeutically with dysfunctional behavior. Participants may be argumentative and confrontational at times, requiring quick reflexive responses. May be subject to exposure to CRT's and VDT's.

Conditions of Employment:

Selected candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening. Additionally, selected candidate must submit to and pass a county paid criminal background screening. Selected candidate must possess and maintain a valid New Mexico Class D Driver's License as incumbent shall be appointed to drive a County vehicle during the performance of his/her duties.

Submit Applications to:
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949 West Alameda Santa Fe, NM 87501

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Proof of education, certificates and/or endorsements must be attached to each application.

Revised: 12/13/2018

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FW: Programs Manager Position (5)

From: Jo Anne Pena
Sent: Tuesday, July 31, 2018 12:15 PM
To: Pablo Sedillo III <psedillo@santafecountynm.gov>
Subject: Programs Manager Position

Good Afternoon Director,

I am interested in the Programs Manager Position. I feel that this job recruitment notice is a bit confusing. The job description calls for supervision, leadership, and reporting; however, it does not require a management background. I want to apply for this position, but I'm not sure if I should.

I would like to be moved to the Youth Development Program permanently. Can we sit down and talk about this?

Below is a breakdown taken from the job description posted:

Requirements do not contain a background in management.
***Bachelor's degree in Social Work, Criminal Justice, Criminology, or Public Health plus five (5) years of experience in a corrections or a law enforcement setting, or residential treatment facility, performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.

Re-entry - Requires a larger background in Re-entry services

1. Assists and maintains in developing a standard protocol for enrollment in Medicaid or other health insurance to support successful re-entry into the community.
2. Develops and implements a system of discharge planning that provides a mechanism for discharged inmates to have knowledge and access to pertinent community based services to include but are not limited to; housing, medical care, opioid dependence, opioid overdose prevention education.
3. Establishes a process where post-released inmates are tracked for specific services within the community in order to collect and analyze data.
4. Knowledge of the Medicaid system and laws in New Mexico and efforts to increase enrollment in Medicaid. Medicaid Presumptive Eligibility Determiner certification for Jails and Prisons required.
5. Knowledge reading and understanding NCIC (National Crime Information Center) data.
6. Must demonstrate knowledge of common health related needs including substance use/opiate addition, overdose prevention, mental health, Medicaid and health insurance.

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CL All (joanne.pena search your mailbox) Search Mail Search Web Home joanne

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FW: Programs Manager Position (5)

Long-term commitment certification for staff and inmates required.

5. Knowledge reading and understanding NCIC (National Crime Information Center) data.
6. Must demonstrate knowledge of common health-related needs including substance use/opiate addition, overdose prevention, mental health, Medicaid and health insurance.
7. Knowledge of modern theories, principles and practices of corrections and rehabilitation.
8. Knowledge of state and federal laws and regulations relating to corrections and rehabilitation.
9. Ability to plan and maintain effective working relationships with educational, health, social services, and rehabilitation agencies.
10. Attends Santa Fe County community provider meetings in and disseminates information to appropriate staff within the facility in order to ensure a faster and more effective transition of the inmate population to the community.

Programs - Does not require a programs background

Volunteer Services

1. Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
2. Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
3. Will evaluate all volunteers selected by the Volunteer Services Coordinator in order to ensure that all authorized individuals are appropriately selected and are suitable for the detention center's needs.

Education

1. Develops, implements, and oversees all educational programs and staff in order to assist inmates reach goals regarding Adult Basic Education and/or GED.
2. Coordinates with Santa Fe County Community college and Santa Fe Public Schools in order to ensure the Santa Fe County Adult/ Juvenile Detention Center is in accordance with all educational requirements necessary for Adult Basic Education and GED are met. *I created this partnership; however, was told by the Warden to discontinue this process until the new Manager is hired.*

Essential Job Functions: - Management - No management skills required * see above.**

- **Supervises and evaluates** staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.
- **Takes appropriate action** in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and **provide recommendations** as deemed necessary to the Warden or designee. **Prepares monthly, quarterly and annual program evaluations** on areas of responsibility with recommendations for programming and re-entry services.

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For A Month

FW: SFCC & Programs

From: Jo Anne Pena
Sent: Thursday, July 19, 2018 9:40 AM
To: Derek J. Williams <djwilliams@santafecountynm.gov>
Cc: Michael Oliver <moliver@santafecountynm.gov>
Subject: SFCC & Programs

Good Morning Warden,

Thank you for meeting with me yesterday. I would like to summarize our conversation, so that I am clear with what our conversation concluded with.

GED Books & Santa Fe Community College:

- Permission to utilize GED books purchased by programs for Santa Fe Community College students incarcerated at the ADF. Permission for inmates to use GED books in their cells purchased by programs. Permission to remove GED books from Programs office for relocation – Location: Delta Storage located under stair case for Delta Visits -- Friday morning – **Approved** I will get keys from Master Control.
- Asked if a teacher was going to be hired. - Santa Fe Community College (SFCC) requirement is inquiring if an in house teacher will be available to partner with SFCC regarding the MOU (Memorandum of Understanding) with SFCC, and which individuals need to be placed on the MOU for approval in moving forward - *Warden will speak with the Director.*

I have attached the MOU for SFCC, I corrected your name and changed the title to read Memorandum of Understanding. Please let me know if there is anything else I need to do.

Library Services:

- Permission to conduct library services for two areas of the facility on Thursday evening (5:00 – 6:30) July 19, 2018 – **Approved**

Volunteer Inquiry – Al Anon – Tess Moore:

- Volunteer requested to ask for permission to participate in volunteer services at ADF (background denied) – Request to review background by Warden – Warden - **Reviewed & Denied**

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FW: SFCC & Programs

Volunteer Inquiry – Al Anon – Tess Moore:

- Volunteer requested to ask for permission to participate in volunteer services at ADF (background denied) – Request to review background by Warden – Warden - **Reviewed & Denied**

Programs:

- Warden mentioned the Teachers position and the Program Manager position. Two positions will be opened and advertised. -- *Several employees interested including myself. Warden to request - Human Resources to select interview panel and to select a candidate.*

Thank you for your time. Please let me know if you have any changes.

Respectfully,

Respectfully,

Jo Anne Peña
 Volunteer Service Coordinator
 Santa Fe County Correctional Facility
 28 Camino Justicia

**DEPARTMENT OF WORKFORCE SOLUTIONS
HUMAN RIGHTS BUREAU**

JO ANNE PENA

Charging Party,

vs.

HRB #19-04-15-0126

**COUNTY OF SANTA FE,
DERRICK WILLIAMS, and
MICHAEL OLIVER,**

Respondents.

TRANSMITTAL OF EXHIBITS FROM EVIDENTIARY HEARING

COMES NOW the County of Santa Fe, by and through counsel, the New Mexico Association of Counties (Brandon Huss and David Roman), hereby transmits the attached copies of exhibits from the May 10, 2021 Evidentiary Hearing:

- 1. Exhibit A – Add/Change Job Description submitted July 12, 2018;**
- 2. Exhibit B – Corrections Program Manager Job Description, dated April 4, 2018; and**
- 3. Exhibit C – Corrections Program Manager Job Description, dated July 20, 2018.**

Respectfully submitted,

NEW MEXICO ASSOCIATION OF COUNTIES

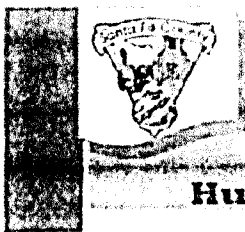
/s/ Brandon Huss
BRANDON HUSS
DAVID ROMAN
111 Lomas Blvd., N.W., Ste. 424
Albuquerque, NM 87102
(505) 820-8116
bhuss@nmcounties.org
droman@nmcounties.org
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2021, I sent the foregoing pleading to Hearing Clerk
Melissa Griego at melisaa.greigo2@state.nm.us.

/s/ BRANDON HUSS

BRANDON HUSS



Human Resources

919 West Alameda Street, Santa Fe, NM 87501

Phone: 505-992-9880 Fax: 992-9895

Email: www.santafecountynm.gov

ADD/CHANGE JOB DESCRIPTION

<input type="checkbox"/> New Position	<input checked="" type="checkbox"/> Change to Current Job Description
---------------------------------------	---

	Current Information:	Proposed Information:
Department/Office:	Public Safety/Corrections/ADF	Public Safety/Corrections/ADF
Position:	Corrections Program Manager	Corrections Program Manager
Position Status:	<input type="checkbox"/> At-Will <input type="checkbox"/> Casual/PRN <input checked="" type="checkbox"/> Classified <input type="checkbox"/> Elected Official <input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Term <input checked="" type="checkbox"/> Full Time <input type="checkbox"/> Part Time (20 hours/week) <input type="checkbox"/> Part Time (<20 hours/week)	<input type="checkbox"/> At-Will <input type="checkbox"/> Casual/PRN <input checked="" type="checkbox"/> Classified <input type="checkbox"/> Elected Official <input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Term <input checked="" type="checkbox"/> Full Time <input type="checkbox"/> Part Time (20 hours/week) <input type="checkbox"/> Part Time (<20 hours/week)
F.L.S.A Status:	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt <input type="checkbox"/> Partial Exemption	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt <input type="checkbox"/> Partial Exemption
Union Status:	<input type="checkbox"/> AFSCME <input type="checkbox"/> CWA Correction <input type="checkbox"/> CWA Sheriff <input type="checkbox"/> CWA RECC <input type="checkbox"/> IAFF <input checked="" type="checkbox"/> Non-Union	<input type="checkbox"/> AFSCME <input type="checkbox"/> CWA Correction <input type="checkbox"/> CWA Sheriff <input type="checkbox"/> CWA RECC <input type="checkbox"/> IAFF <input checked="" type="checkbox"/> Non-Union
Range:	38 3L	38 3L
Hourly Pay:	\$23,936.1 - \$35,904.2 22.7827 - 34.174	\$23,936.1 - \$35,904.2 22.7827 - 34.174
Tool Number:	70009-00004	70009-00004
Expense Account:	247-1860-426-1022	247-1860-426-1022

Basis for Request: Indicate the basis for requesting a new position or the primary change that has occurred in the job for an existing position. Please include changes in organizational and/or business practices that are applicable to this request.

Change to Language of Job Description, please see below:

Primary Purpose:

Under limited supervision by the Warden or designee, is responsible for overseeing and directly supervising all Re-Entry, Volunteer Services, and Education staff. Will also be involved in day to day operations and will perform in accordance with established policies and procedures in the functional areas. Performs related work as required. Performs liaison functions, program implementation and evaluation, direction of supervisory, professional and support staff and the maintenance of required records and reports.

Essential Job Functions

-Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.

-Takes appropriate action in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and provide recommendations as deemed necessary to the Deputy Warden. Prepares monthly, quarterly and annual program evaluations on areas of responsibility with recommendations for programming and re-entry services.

-Provides leadership and guidance to subordinates through the assignment of work, monitoring of progress, review of results and technical instruction or training. Participates in staff meetings by sharing observations and recommendations regarding the facility, participants and staff in order to identify and solve problems and functions as a unified team. Maintain confidentiality regarding employees, and participants

- Attends Santa Fe County community provider meetings in and disseminates information to appropriate staff within the facility in order to ensure a faster and more effective transition of the inmate population to the community.
- Assists and maintains in developing a standard protocol for enrollment in Medicaid or other health insurance to support successful re-entry into the community.
- Develops and implements a system of discharge planning that provides a mechanism for discharged inmates to have knowledge and access to pertinent community based services to include but are not limited to ; housing, medical care, opioid dependence, opioid overdose prevention education.
- Establishes a process where post-released inmates are tracked for specific services within the community in order to collect and analyze data.
- Develops, implements, and oversees all educational programs and staff in order to assist inmates reach goals regarding Adult Basic Education and or GED.
- Coordinates with Santa Fe County Community college and Santa Fe Public Schools in order to ensure the Santa Fe County Adult/Juvenile Detention Center is in accordance with all educational requirements necessary for Adult Basic Education and GED are met.
- Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
- Will evaluate all volunteers selected by the Volunteer Services Coordinator in order to ensure that all authorized individuals are appropriately selected and are suitable for the detention center's needs.

Knowledge/ Skills

- Must demonstrate knowledge of common health- related needs including substance use/opiate addition, overdose prevention, mental health, Medicaid and health insurance.
- Knowledge of modern theories, principles and practices of corrections and rehabilitation.
- Knowledge of state and federal laws and regulations relating to corrections and rehabilitation.
- Ability to develop policies and procedures.
- Ability to develop programs specific to inmate population needs.
- Ability to plan and maintain effective working relationships with educational, health, social services, and rehabilitation agencies.
- Write legible reports in English using correct grammar. Ability to communicate verbally and reach^{ed} quickly and appropriately in emergency situations.
- Knowledge of the Medicaid system and laws in New Mexico and efforts to increase enrollment in Medicaid. Medicaid Presumptive Eligibility Determiner certification for Jails and Prisons required.
- Must possess knowledge reading and understanding NCIC (National Crime Information Center) data.

Minimum Qualifications

- Bachelor's degree in Social Work, Criminal Justice, Criminology, and or Public Health. Plus Five (5) years of experience in corrections, law enforcement setting, or residential treatment facility, performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.
- Must pass background check (driver's license, criminal history, and wanted persons).
- Must possess a valid New Mexico Class-D driver's license. Incumbent may be appointed to drive a Santa Fe County Vehicle while conducting County Business.

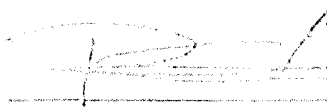
Working Conditions

Office setting in the Adult and Juvenile Detention Center. Work is performed in both an office setting areas and at times some fieldwork may be required in various weather conditions. Frequent standing, walking, sitting, bending, lifting (25lbs max), must be able to deal effectively and therapeutically with dysfunctional behavior. Participants may be argumentative and confrontational at times, requiring quick reflexive responses.


Conditions of Employment

Selected Candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening. Additionally, selected candidate must possess and maintain a valid New Mexico Class D Drivers License as incumbent shall be appointed to drive a County vehicle during the performance of his/her duties.

REQUIRED AUTHORIZATIONS:


Division Director / Supervisor



Date


Department Director / Elected Official

Date

Human Resources Supervisor

Date



Human Resources Director



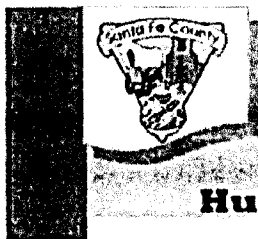
Date

HR Use Only:

EEO Function Category:

EEO Function Code:

Workers Compensation Code:



949 West Alameda Street, Santa Fe, NM 87501
Phone: 505-992-9880 Fax: 992-9895
Email: www.santafecountynm.gov

Job Title: Corrections Program Manager

Department/Division: Public Safety Department/Corrections

Salary: \$22.7827/hr. - \$34.1741/hr.

Range: 36

Position Status: Full-Time/ Classified

FLSA Status: Exempt

Closing Date:

Job #:

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only to provide a summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

Primary Purpose:

Under limited supervision by the Deputy Warden, is responsible for the day-to-day operations of the specific assigned program. Including security, programming, and the supervision of all staff assigned to the programs. Performs liaison functions throughout the facility by attending a variety of administrative meetings, thereby linking the unit to the total facility operation.

Essential Job Functions:

- Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.
- Conducts unit inspections for adherence to all facility and County guidelines of security, health and safety and all applicable policies, procedures, standards and governmental regulations. Maintains shift logs, reviews reports and records produced by staff.
- Takes appropriate action in cases of serious or unusual incidents and emergencies. Periodically review and evaluate all programs and provide recommendations to the Deputy Warden. Prepares monthly, quarterly and annual program evaluations on areas of responsibility with recommendations for programming.
- Provides leadership to subordinates through the assignment of work, monitoring of progress, review of results and technical instruction or training. Participate in staff meetings by sharing observations and recommendations regarding the facility, participants and staff in order to identify and solve problems and functions as a unified team. Maintain confidentiality regarding employees, and participants.

Knowledge / Skills :

- Write legible reports in English using correct grammar. Add, subtract, multiply, divide and calculate percentages.
- Ability to effectively interact with others; communicate verbally; react quickly and appropriately to emergency situations.

Minimum Qualifications

- Bachelor's degree in criminal justice, sociology, psychology or related field plus two (2) years of experience in a correctional facility, law enforcement setting, or residential treatment facility performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.
- Must pass background check (driver's license, criminal history, and wanted persons).
- Must possess a valid New Mexico Class D driver's license. Incumbent may be appointed to drive a Santa Fe County vehicle while conducting County business.

Working Conditions:

Adult/juvenile detention center setting. Work is performed in both an office setting and outdoors, in varied weather conditions. May be subject to exposure to CRT's and VDT's. Work schedule shall include shift, evening, weekend, holiday and on-call hours. Frequent standing, walking, sitting, bending, lifting (25 lbs max.), drag up to 175 lbs; must be able to deal effectively and therapeutically with dysfunctional behavior; plan and implement therapy programs. Participants may be argumentative and confrontational at times, requiring quick reflexive responses. May require arduous physical exertion under vigorous and unusual conditions. Manual and finger dexterity required. May be subject to cuts, bruises, scrapes, burns, broken bones, insect and/or animal bites, germs, bacteria, viruses, environmental allergens, gases and fumes. Incumbent will be subject to random pat down searches. May be subject to life threatening situations. Essential employees shall be required to work assigned shifts regardless of adverse weather conditions or holidays.

Conditions of Employment:

Selected candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening. Additionally, selected candidate must submit to and pass a county paid criminal background screening. Selected candidate must possess and maintain a valid New Mexico Class D Drivers License as incumbent shall be appointed to drive a County vehicle during the performance of his/her duties.

Submit Applications to:
Santa Fe County Human Resources
949 West Alameda Santa Fe, NM 87501

Resumes will not be accepted in lieu of the official Santa Fe County employment application.
Proof of education, certificates and/or endorsements must be attached to each application.

Updated: 04/04/18



949 West Alameda Street, Santa Fe, NM 87501
Phone: 505-992-9880 Fax: 992-9895
Email: www.santafecountynm.gov

Job Title: Corrections Program Manager

Department/Division: Public Safety Department/Corrections

Salary: \$22.7827/hr. - \$34.1741/hr.

Range: 36

Position Status: Full-Time/ Classified

FLSA Status: Exempt

Closing Date:

Job #:

The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only to provide a summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

Primary Purpose:

Under limited supervision by the Warden or designee, is responsible for overseeing and directly supervising all Re-Entry, Volunteer Services, and Education staff. Will also be involved in day-to-day operations and will perform in accordance with established policies and procedures in the functional areas. Performs related work as required. Performs liaison functions, program implementation and evaluation, direction of supervisory, professional and support staff and the maintenance of required records and reports.

Essential Job Functions:

- Supervises and evaluates staff in the performance of their duties. Schedules staff to provide for adequate coverage and maintain appropriate staff to client ratios.
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- Attends Santa Fe County community provider meetings in and disseminates information to appropriate staff within the facility in order to ensure a faster and more effective transition of the inmate population to the community.

- Assists and maintains in developing a standard protocol for enrollment in Medicaid or other health insurance to support successful re-entry into the community.
- Develops and implements a system of discharge planning that provides a mechanism for discharged inmates to have knowledge and access to pertinent community based services to include but are not limited to ; housing, medical care, opioid dependence, opioid overdose prevention education.
- Establishes a process where post-released inmates are tracked for specific services within the community in order to collect and analyze data.
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- Coordinates with Santa Fe County Community college and Santa Fe Public Schools in order to ensure the Santa Fe County Adult/ Juvenile Detention Center is in accordance with all educational requirements necessary for Adult Basic Education and GED are met.
- Oversees Volunteer Services Coordinator to ensure that all volunteer services are available and that all volunteers are compliant with all services provided within the facility.
- Will evaluate all volunteers selected by the Volunteer Services Coordinator in order to ensure that all authorized individuals are appropriately selected and are suitable for the detention center's needs.

Knowledge / Skills :

- | |
|--|
| <ul style="list-style-type: none">• Must demonstrate knowledge of common health-related needs including substance use/opiate addition, overdose prevention, mental health, Medicaid and health insurance.• Knowledge of modern theories, principles and practices of corrections and rehabilitation.• Knowledge of state and federal laws and regulations relating to corrections and rehabilitation.• Ability to develop policies and procedures.• Ability to develop programs specific to inmate population needs.• Ability to plan and maintain effective working relationships with educational, health, social services, and rehabilitation agencies.• Write legible reports in English using correct grammar. Ability to communicate verbally and be reached quickly and appropriately in emergency situations.• Knowledge of the Medicaid system and laws in New Mexico and efforts to increase enrollment in Medicaid. Medicaid Presumptive Eligibility Determiner certification for Jails and Prisons required.• Knowledge reading and understanding NCIC (National Crime Information Center) data. |
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Minimum Qualifications

- Bachelor's degree in Social Work, Criminal Justice, Criminology, or Public Health plus five (5) years of experience in a corrections or a law enforcement setting, or residential treatment facility, performing duties specifically relevant to the essential job functions and knowledge and skills defined herein.
- Must pass background check (driver's license, criminal history, and wanted persons).

Working Conditions:

Office setting in the Adult and Juvenile Detention Center. Work is performed in both an office setting areas and at times some fieldwork may be required in various weather conditions. Frequent standing, walking, sitting, bending, lifting (25lbs max), must be able to deal effectively and therapeutically with dysfunctional behavior. Participants may be argumentative and confrontational at times, requiring quick reflexive responses. May be subject to exposure to CRT's and VDT's.

Conditions of Employment:

Selected candidate must submit to and pass a County paid pre-employment physical and drug/alcohol screening. Additionally, selected candidate must submit to and pass a county paid criminal background screening. Selected candidate must possess and maintain a valid New Mexico Class D Drivers License as incumbent shall be appointed to drive a County vehicle during the performance of his/her duties.

Submit Applications to:
Santa Fe County Human Resources
949 West Alameda Santa Fe, NM 87501

Resumes will not be accepted in lieu of the official Santa Fe County employment application.
Proof of education, certificates and/or endorsements must be attached to each application.

Revised: 07/20/18